IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	Group Art Unit: 2672
Matt Crosby, et al	Examiner: Jin Cheng Wang
ON DEMAND TECHNIQUES FOR USING DATA ASSOCIATED WITH A DIGITAL IMAGE SUITABLE FOR RASTERIZATION AT ANY RESOLUTION	I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
Serial No. 09/724,658	*Paula West* Paula West
Filed November 28, 2000	6-2·8-04 Date

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Sir:

APPEAL BRIEF TRANSMITTAL

Enclosed herewith in triplicate is Appellants' Appeal Brief for the above-identified application.

The Commissioner is hereby authorized to charge the Appeal Brief filing fee to Eastman Kodak Company Deposit Account 05-0225. A duplicate copy of this letter is enclosed.

Respectfully submitted,

Pamela R Crocker

Pamela R. Crocker/phw
Telephone: (585) 477-0553
Facsimile: (585) 477-4646

Attorney for Applicants
Registration No. 42,447

Docket 86946F-P
Customer No. 01333

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APPELLANT'S BRIEF ON APPEAL

Appellants hereby appeal to the Board of Patent Appeals and Interferences from the Examiner's Final Rejection of Claims 1-35, which was contained in the Office Action mailed November 25, 2003.

A timely Notice of Appeal was filed on April 26, 2004, (Monday).

REAL PARTY IN INTEREST

As indicated above in the caption of the Brief, the Eastman Kodak Company is the real party in interest.

RELATED APPEALS AND INTERFERENCES

No appeals or interferences are known which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Appendix I provides a clean, double-spaced copy of the claims on appeal.

STATUS OF AMENDMENTS

Applicant submitted an amendment to address the rejection under 35 U.S.C. §112 on January 20, 2004. The amendment was entered and the claims in Appendix I include the amendments.

SUMMARY OF INVENTION

The invention relates to a method and apparatus for processing images in a distributed system (Fig. 4) in which a high resolution image (204, 206) together with a State information file comprising an edit list (213) are stored at a first node and a lower resolution image together with the edit list forwarded to a second node where the lower resolution image can be rasterized based on the edit list. The invention permits changes made to a high-resolution image to be seen on a low-resolution version of the image without the need for transmitting the high-resolution image to the second node. This saves time and/or bandwidth.

The claimed apparatus for processing a low resolution image object including in an associated high resolution image object file to provide on-demand rastorization

for a second output device includes means for associating a stayed information file to the image object, the State information file, including an edit list having an embedded edit list and an external edit list, the external edit list comprising links to a plurality of assets that may be embedded in resulting image object. The apparatus includes means for forwarding the low resolution image object and the State information file to a second node, rastorizing the low resolution image object based upon a second output device and outputting the rasterized image at the second output device.

ISSUES FOR REVIEW BY THE BOARD

The following issues are presented for review by the Board of Patent Appeals and Interferences:

1. Does Yokomizo clearly teach forwarding a low resolution image object and associated State information to a second node?

2. Does Yokomizo disclose associating a State information file to an image object wherein the State information file comprises an edit list having an embedded edit list and an external edit list wherein the external edit list (such as editorial information) comprises links to a plurality of multi-media assets?

GROUPING OF CLAIMS

Claims 1-35 stand or fall together.

ARGUMENTS

Applicant has asserted that Yokomizo operates in a manner opposite to applicant's invention. Applicant asserts that Yokomizo, a high resolution digital image is stored in an auxiliary storage device of a first computer and at the same time, a low resolution image is formed by thinning the high resolution image and the low resolution image is uploaded to the web server of the worldwide web which permits it to be displayed by means of a browser application loaded in a second computer. See column 21, lines 12-23.

Editorial instructions are given from the second computer to the web server which in turn transmits the commands to the first computer which executes printing of the high-resolution image. (See column 21, lines 23-27). Yokomizo states "it is thus possible to obtain a print output of edited high resolution image data with reduced size of data to be exchanged.

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In applicant's invention, the high-resolution image and the edit list are located at the first node. The low-resolution image object and the State information file are forwarded to the second node where they are rasterized and printed. Thus a clear distinction is that in applicant's invention, the edit list is sent from the first node to the second node and used to rastorize the low-resolution image. In Yokomizo, the edit list is sent from the second node to the first node and used to print the high-resolution image.

In the advisory action dated April 5, 2004, the examiner argues that Yokomizo clearly teaches forwarding the low resolution image object and the associated State information to the second node because the low resolution image object can be the background images or art images, clip arts, incorporated into the templates which are subsequently sent to the dealer branch shop or the web server of the remote station from a user's PC along with the edit list (referring to column 19) applicant notes a reference to templates in column 19 lines 21-30, but nothing to suggest that these templates are low resolution image objects. It isn't clear where in column 19 the examiner finds the edit lists, but it is clear in lines 9-13 that the branch shop effects editing on the high-resolution image in accordance with the received editorial instructions. If the branch shop is the second node, which applicant believes the examiner is alleging, then in Yokomizo, the edit list permits editing of the high resolution image at the second node, while in applicants invention the edit list is used to edit the low resolution image at the second node.

The examiner refers again to column 21 lines 5-12 and in reference thereto states that Yokomizo not only teaches receiving the low resolution image object from the remote station but also sending the low resolution image object together with the edit lists to the remote station.

Because this is so important, applicant includes the actual language from Yokomizo:

> Thus, only the editorial information is sent to the remote image editing station, and in the remote image editing station, editorial processing exactly the same as that performed in the local station is effected *on the high-resolution image*. It is therefore possible to display the edited high-resolution image at the remote station without requiring transmission of a high-resolution image data through the network. (emphasis added)

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This language precedes the language the examiner refers to in column 21. It could not be clearer that it is the high-resolution image not a low-resolution image that is displayed at the remote station. Yokomizo goes on to describe a "more efficient system" by expressing the image in terms of a page description language and expressing the editorial information in terms of page description language so that the station which has received the image and the editorial information performs reediting with no dependency on resolution. There is nothing in Yokomizo that suggests that the page description language is a lower resolution image and applicant believes that it is not. Page description language is simply a different way of describing the high-resolution image. Often times, images described by a page description language can be printed on a variety of devices with different resolutions but the page description language itself is not a low resolution image object.

The examiner takes the position in paragraph 2 of the advisory action mailed February 5, 2004 that Yokomizo clearly discloses associating a stayed image file in the form of a script file for the editorial results to the image object (e.g. the low resolution image or the high resolution image) referring to column 12, lines 50-67.

What Yokomizo actually says is that a low-resolution image is downloaded from the HQ shop of the dealer to the users machine and the user effects various editorial processings on this [low resolution] image. The local machine then transmits the script of the editorial results alone to the machine of the dealer branch shop which serves as the server machine. The machine of the branch shop then effects an editorial work in accordance with the above-mentioned script on the high-resolution image which has been read and stored in this branch shop. In applicant's claims, contrary in clear distinction to this, a stayed information file is associated with a high-resolution image object. A low-resolution image object and the associated stayed information file are forwarded to a second node at which the low resolution image object is rasterized. In Yokomizo, the changes to the low-resolution image are used to modify and print the high-resolution image. In applicant's claimed invention, changes to the high-resolution image are used to modify and rasterize the low-resolution image. These are clearly opposite.

A confirmation of this appears elsewhere in Yokomizo. For example at Column 14, lines 57 seek Yokomizo explains that the proxy editorial plug-in device provided on the client's end (second node in applicant's claims) possesses functions of four, among other things, displaying and editing files in addition to basic editorial

functions to be effected on low-resolution images such as editing, rotation, conversion, moving and synthesis. Clearly in Yokomizo the editing is performed by the user on the low-resolution image at the "client end" as opposed to forwarding the low-resolution image object and the stayed information to the second node for rasterizing.

The examiner's comments in the later part of Paragraph 2 of the advisory action are not consistent with the expressed teachings of Yokomizo.

In Paragraph 3, the examiner argues that Yokomizo teaches rasterizing the image object based on the second output device as needed, referring to Column 11, lines 5-20. Reference to that portion of Yokomizo reveals that Yokomizo is referring to the dealer branch shop at which editorial information is linked with the high-resolution image for printing. Thus, while applicant claims rasterizing the low-resolution image, Yokomizo clearly describes rasterizing the high-resolution image. If the examiner is arguing that the dealer branch shop is the second node, then Yokomizo does not forward the low-resolution image object to the dealer branch shop but forwards only the editorial information which is used to modify the high-resolution image.

Thus, when the examiner asserts in Paragraph 4 of the advisory action that Yokomizo teaches outputting the "appropriately rasterized" image object at the second output device, he is talking not about rasterizing a low-resolution image, but specifically about rasterizing a high resolution image. Referring specifically to Yokomizo at Column 6, Yokomizo talks about completing the editorial processing on the downloaded (low-resolution image) and sending only the editorial information to the HQ shop which sends it to the branch shop through the network. Recall that the HQ shop and branch shop where the high-resolution image resides.

Yokomizo goes on to say that upon receipt of the editorial information from the HQ shop, the branch shop executes editorial processing on the *high-resolution image* which has been stored on the disc. Again Yokomizo clearly teaches the opposite of applicant's invention.

Similarly, in Column 7 lines 40-45, Yokomizo states "the system in accordance with the described embodiment enables the user to effect editorial processing on the low-resolution image existing in the web server not on the network and to send through the network only the editorial information *to the branch shop with a high-resolution image stored therein is processed in accordance with the*

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editorial information. It is thus possible to implement the editorial and printing functions through the network *for producing output images of high resolution.*

Quite clearly, this is the opposite of applicant's claimed invention in which it is the low-resolution image that is edited according to the edit list and printed.

Similarly, in Column 11, referred to by the examiner, Yokomizo clearly states that upon receipt of the editorial information the computer of the dealer branch shop operates to link information with the high-resolution image from printing. There is no mention of rasterizing and printing the low-resolution image.

SUMMARY

In Summary, nowhere in Yokomizo is there any teaching or suggestion or even motivation for forwarding a low-resolution image and associated state information generated from a high-resolution image to a second node with a low-resolution image being rasterized and output.

<u>CONCLUSION</u>

For the above reasons, Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the rejection by the Examiner and mandate the allowance of Claims 1-35.

Pamela R. Crocker/phw
Telephone: (585) 477-0553
Facsimile: (585) 477-4646

Attorney for Applicants
Registration No. 42,447

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1. In a distributed system having a first node coupled to a first output device and a second node coupled to a second output device, a method of processing low resolution image object included in an associated high resolution image object file at the first node so as to provide on-demand rasterization appropriate for the second output device, comprising:

associating a state information file to the image object whereby the state information file comprises an edit list having an embedded edit list and an external edit list wherein the external list comprises links to a plurality of assets that may be embedded in the resulting image object;

forwarding the low-resolution image object and the associated state information file to the second node;

appropriately rasterizing the low resolution image object based upon the second output device as needed; and

outputting the appropriately rasterized image object at the second output device.

2. A method as recited in claim 1, wherein the state information file includes an edit list, and wherein the high-resolution image object file includes a digital negative associated with the image object.

3. A method as recited in claim 1, wherein the appropriately rasterized image object is a composite image.

4. A method as recited in claim 3, further comprising:

determining whether the embedded edit list is populated with an at least one embedded edit list element;

if it is determined that the edit list is populated with the at least one embedded edit list element, then

retrieving at least one embedded edit list element included in the embedded edit list; and

retrieving the digital negative.

5. A method as recited in claim 3, further comprising:

determining whether the external edit list is populated with an at least one external edit list element;

if it is determined that the edit list is populated with at least one external edit list element, then

locating the external edit list based upon an external edit list pointer; and

retrieving the at least one external edit list element included in the external edit list.

6. A method as recited in claim 4, wherein the rasterizing comprises:

determining a resolution appropriate to the second output device based upon the retrieved edit list element; and

outputting the rasterized digital image.

7. A method as recited in claim 5, wherein the rasterizing comprises:

determining a resolution appropriate to the second output device based upon the retrieved external edit list element; and

outputting the rasterized digital image.

8. A method as recited in claim 1, wherein the image object includes a plurality of digital negatives.

9. A method as recited in claim 1, wherein the image object file includes a high resolution image and wherein the digital image is re-rasterized to form a lower resolution image as required by the second output device.

10. A method as recited in claim 9, wherein the edit list includes instructions describing how the digital image is to be re-rasterized.

11. A method as recited in claim 1, wherein the forwarding comprises:

wirelessly transmitting the image object and the associated state information file to the second node from the first node.

12. A method as recited in claim 11, wherein the first node is coupled to the second node by way of a server node that directs the transmitting.

13. A method as recited in claim 1, wherein the first output device is selected from a group comprising: a printer, a digital video camera, a digital still camera, a TV monitor, a low resolution LCD screen, TV.

14. A method as recited in claim 1, wherein the second output device is selected from a group comprising: a printer, a digital video camera, a digital still camera, a TV monitor, a low resolution LCD screen, TV.

15. A method as recited in claim 1, wherein the first node is connected to a first input device and wherein the second node is connected to a second input device, wherein the first and the second input devices are each capable of modifying an associated image object.

16. In a distributed system having a first node coupled to a first output device and a second node coupled to a second output device, an apparatus for processing a low resolution image object included in an associated high resolution image object file at the first node so as to provide on-demand rasterization appropriate for the second output device, comprising:

a means for associating a state information file to the image object whereby the state information file comprises an edit list having an embedded edit list and an external edit list wherein the external edit list comprises links to a plurality of [multimedia] assets that may be embedded in the resulting image object;

a means for forwarding the low-resolution image object and the associated state information file to the second node;

a means for appropriately rasterizing the low resolution image object based upon the second output device as needed; and

a means for outputting the appropriately rasterized image object at the second output device.

17. An apparatus as recited in claim 16, wherein the state information file includes an edit list, and wherein the image object file includes a digital negative associated with the image object.

18. An apparatus as recited in claim 16, wherein the appropriately rasterized image object is a composite image

19. An apparatus as recited in claim 18, further comprising:

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a means for determining whether the embedded edit list is populated with at least one embedded edit list element;

if it is determined that the edit list is populated with at least one embedded edit list element, then

a means for retrieving at least one embedded edit list element included in the embedded edit list; and

a means for retrieving the digital negative.

20. An apparatus as recited in claim 18, further comprising:

a means for determining whether the external edit list is populated with an at least one external edit list element;

if it is determined that the edit list is populated with the at least one external edit list element, then

a means for locating the external edit list based upon an external edit list pointer, and

a means for retrieving the at least one external edit list element included in the external edit list.

21. An apparatus as recited in claim 19, wherein the rasterizing comprises:

a means for determining a resolution appropriate to the second output device based upon the retrieved edit list element; and

a means for outputting the rasterized digital image.

22. An apparatus as recited in claim 20, wherein the rasterizing comprises:

a means for determining a resolution appropriate to the second output device based upon the retrieved external edit list element; and

a means for outputting the rasterized digital image.

23. An apparatus as recited in claim 16, wherein the image object includes a plurality of digital negatives.

24. An apparatus as recited in claim 16, wherein the image object file includes a high-resolution image and wherein the rasterized digital image is a lower resolution image as required by the second output device.

25. An apparatus as recited in claim 17, wherein the edit list includes instructions describing how the digital image is to be re-rasterized.

26. An apparatus as recited in claim 17, wherein the forwarding comprises:

a means for wirelessly transmitting the image object and the associated state information file to the second node from the first node.

27. An apparatus as recited in claim 26, wherein the first node is coupled to the second node by way of a server node that directs the transmitting.

28. A method as recited in claim 4 wherein some user selected portion of the at least one embedded edit list elements are not displayed in the appropriately rasterized image object.

29. A method as recited in claim 5 wherein some user selected portion of the at least one external edit list elements are not displayed in the appropriately rasterized image object.

30. A method as recited in claim 5 wherein the at least one external edit list elements is a multimedia asset.

31. A method as recited in claim 30 wherein the multimedia asset is selected from a digitized group comprising: still images, video images, and vector artwork.

32. A method as recited in claim 19 wherein some user selected portion of the at least one embedded edit list elements are not displayed in the appropriately rasterized image object.

33. A method as recited in claim 20 wherein some user selected portion of the at least one external edit list elements are not displayed in the appropriately rasterized image object.

34. A method as recited in claim 20 wherein the at least one external edit list elements is a multimedia asset.

35. A method as recited in claim 34 wherein the multimedia asset is selected from a digitized group comprising: still images, video images, and vector artwork..